

INTERSTATE COMMERCE COMMISSION.

[Docket No. BMC 2890]

IN THE MATTER OF THE APPLICATION OF ALL AMERICAN BUS LINES, ETC.

JUNE 20, 1936.

Hearing in the above entitled proceeding, now assigned for June 29, 1936, at Washington, D. C., before Examiner K. J. McAuliffe, is cancelled, and this proceeding is re-assigned for hearing on July 22, 1936, at 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner K. J. McAuliffe.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 972—Filed, June 23, 1936; 11:58 a. m.]

[Docket No. BMC 2890]

IN THE MATTER OF THE APPLICATION OF ALL AMERICAN BUS LINES, INC.

JUNE 20, 1936.

Hearing in the above entitled proceeding now assigned for June 29, 1936, at Washington, D. C., before Examiner K. J. McAuliffe, is cancelled and this proceeding re-assigned for hearing on July 22, 1936, 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner K. J. McAuliffe.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 970—Filed, June 23, 1936; 11:58 a. m.]

[Docket No. BMC 2891]

IN THE MATTER OF THE APPLICATION OF NI SUN LINES, LTD., ETC.

JUNE 20, 1936.

Hearing in the above entitled proceeding now assigned for June 29, 1936, at Washington, D. C., before Examiner K. J. McAuliffe, is hereby cancelled and this proceeding is re-assigned for hearing on July 22, 1936, at 10 o'clock a. m. (standard time), at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner K. J. McAuliffe.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 971—Filed, June 23, 1936; 11:58 a. m.]

Thursday, June 25, 1936

No. 74

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AUTHORIZING CHARLES O. GREGORY TO ACT AS SECRETARY OF LABOR

By virtue of the authority vested in me under the provisions of section 179 of the Revised Statutes of the United States (5 U. S. C., sec. 6), I hereby authorize and direct Charles O. Gregory, Solicitor of Labor, to perform the duties of Secretary of Labor during the absence of the Secretary of Labor and the Assistant Secretary of Labor.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

June 23, 1936.

[No. 7398]

[F. R. Doc. 979—Filed, June 24, 1936; 10:26 a. m.]

EXECUTIVE ORDER

RESERVATION OF NAVAL RADIO STATION, SUMMIT, CANAL ZONE

By virtue of and pursuant to the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, the following described area of land in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a naval reservation, which shall be known as U. S. Naval Radio Station, Summit, Canal Zone, and shall be under the control and jurisdiction of the Secretary of the Navy, except that it shall be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the said Canal Zone Code:

Beginning at a 1-inch round steel bar, marked No. 1 on Panama Canal Dwg. No. 6103-73, located on the centerline of the entrance road leading southwesterly from Gaillard Highway into the Station and approximately 41 feet from the centerline of Gaillard Highway. The geographic position of Monument No. 1 (referred to the Panama-Colon datum of the Canal Zone triangulation system) is in latitude 9°03' N., plus 4600.8 feet, and longitude 79°39' W., plus 956.2 feet; thence

S. 53°52'30" E., 75.0 feet, to a brass plug cemented into the top of a 3-inch G. I. pipe monument, marked No. 2 on the map, in latitude 9°03' N., plus 4556.6 feet, and longitude 79°39' W., plus 895.6 feet. (All boundary monuments are similar to Monument No. 2, except Monument No. 1); thence

S. 42°51'30" W., 307.6 feet, through a monument, marked No. 3 on the map, to a monument, marked No. 4 on the map, in latitude 9°03' N., plus 4331.2 feet, and longitude 79°39' W., plus 1104.7 feet; thence

S. 04°23'30" E., 921.1 feet, to a monument, marked No. 5 on the map, in latitude 9°03' N., plus 3412.9 feet, and longitude 79°39' W., plus 1034.1 feet; thence

S. 54°41'00" E., 777.3 feet, through monuments, marked No. 6 and No. 7 on the map, to a monument marked No. 8 on the map, in latitude 9°03' N., plus 2963.6 feet, and longitude 79°39' W., plus 399.9 feet; thence

N. 67°16'00" E., 64.4 feet, to a monument marked No. 9 on the map, in latitude 9°03' N., plus 2988.5 feet, and longitude 79°39' W., plus 340.4 feet; thence

N. 35°19'30" E., 372.6 feet, approximately parallel to the common axis of towers No. 1 and No. 2 and 300 feet from the most westerly footing of tower No. 2, to a monument, marked No. 10 on the map, in latitude 9°03' N., plus 3292.5 feet, and longitude 79°39' W., plus 125.0 feet; thence

N. 69°04'30" E., 115.0 feet, to a monument, marked No. 11 on the map, in latitude 9°03' N., plus 3333.5 feet, and longitude 79°39' W., plus 17.6 feet; thence

S. 54°40'30" E., 312.9 feet, approximately parallel to the common axis of towers No. 2 and No. 4 and 300 feet from the most northerly footing of tower No. 2, to a monument, marked No. 12 on the map, in latitude 9°03' N., plus 3152.7 feet, and longitude 79°38' W., plus 5774.0 feet; thence

S. 57°39'00" E., 272.6 feet, to a monument, marked No. 13 on the map, in latitude 9°03' N., plus 3006.8 feet, and longitude 79°38' W., plus 5543.7 feet; thence

S. 56°21'30" E., 168.4 feet, to a monument, marked No. 14 on the map, located on the westerly side of Gaillard Highway opposite the Canal Zone incinerator, in latitude 9°03' N., plus 2913.5 feet, and longitude 79°38' W., plus 5403.5 feet; thence

S. 09°56'00" E., 203.6 feet, to a monument, marked No. 15 on the map, located at the P. C. of a curve, in latitude 9°03' N., plus 2713.0 feet, and longitude 79°38' W., plus 5368.4 feet; thence

Along a 14° curve to the left 283.8 feet through monuments, marked No. 16 and No. 17 on the map, located at stations 1+0 and 2+0 respectively from monument No. 15, to a monument, marked No. 18 on the map, located at the P. T. of the curve and approximately 34 feet westerly from the centerline of Gaillard Highway, in latitude 9°03' N.,

plus 2471.0 feet, and longitude 79°38' W., plus 5229.8 feet; thence

S. 49°40'00" E., 541.0 feet, parallel to and approximately 34 feet westerly from the centerline of Gaillard Highway to a monument, marked No. 19 on the map, located at the P. C. of a curve, in latitude 9°03' N., plus 2120.9 feet, and longitude 79°38' W., plus 4817.4 feet; thence

Along a 7° curve to the left, 782.2 feet, parallel to and approximately 34 feet southerly from the centerline of Gaillard Highway through monuments, marked No. 20, No. 21, No. 22, and No. 23 on the map, located at stations 1+0, 3+0, 5+0, and 6+50, respectively, from monument No. 19, to a monument, marked No. 24 on the map, located at the P. T. of the curve, in latitude 9°03' N., plus 1952.0 feet, and longitude 79°38' W., plus 4083.2 feet; thence

S. 54°55'00" E., 385.0 feet, to a monument, marked No. 25 on the map, in latitude 9°03' N., plus 1730.7 feet, and longitude 79°38' W., plus 3768.1 feet; thence

S. 54°40'00" E., 417.9 feet, approximately parallel to the common axis of towers No. 4 and No. 6 and 300 feet from the most northerly footing of tower No. 6, to a monument, marked No. 26 on the map, in latitude 9°03' N., plus 1489.1 feet, and longitude 79°38' W., plus 3427.2 feet; thence

S. 35°20'00" W., 1776.9 feet, approximately parallel to the common axis of towers No. 6 and No. 5 and 300 feet from the most easterly footings of towers No. 6 and No. 5, through a monument, marked No. 27 on the map, to a monument, marked No. 28 on the map, in latitude 9°03' N., plus 39.7 feet, and longitude 79°38' W., plus 4454.9 feet; thence

N. 54°39'30" W., 715.4 feet, approximately parallel to the common axis of towers No. 5 and No. 3 and 300 feet from the most southerly footing of tower No. 5 to a monument, marked No. 29 on the map, in latitude 9°03' N., plus 453.5 feet, and longitude 79°38' W., plus 5038.5 feet; thence

N. 54°40'30" W., 2381.4 feet, approximately parallel to the common axis of towers No. 3 and No. 1 and 300 feet from the most southerly footings of towers No. 3 and No. 1, through monuments, marked No. 30 and No. 31 on the map, to a monument, marked No. 32 on the map, located on the westerly side of the old Empire-Paraiso Road, in latitude 9°03' N., plus 1830.7 feet, and longitude 79°39' W., plus 969.9 feet; thence

N. 11°09'30" E., 228.4 feet, along the westerly side of the old Empire-Paraiso Road to a monument, marked No. 33 on the map, in latitude 9°03' N., plus 2054.8 feet, and longitude 79°39' W., plus 925.7 feet; thence

N. 06°10'30" W., 279.3 feet, along the westerly side of the old Empire-Paraiso Road to a monument, marked No. 34 on the map, located northwesterly from the intersection of the old Empire-Paraiso Road with the Station road, in latitude 9°03' N., plus 2332.4 feet, and longitude 79°39' W., plus 955.7 feet; thence

N. 43°27'30" W., 1368.6 feet, crossing the Rio Obispo and through a monument, marked No. 35 on the map, to a monument, marked No. 36 on the map, in latitude 9°03' N., plus 3325.7 feet, and longitude 79°39' W., plus 1897.1 feet; thence

S. 88°19'00" W., 649.5 feet, to a monument marked No. 37 on the map, in latitude 9°03' N., plus 3306.7 feet, and longitude 79°39' W., plus 2546.3 feet; thence

N. 54°40'00" W., 271.5 feet, approximately parallel to the common axis of towers No. 11 and No. 10 and 300 feet from the most southerly footing of tower No. 11, to a monument, marked No. 38 on the map, located on the easterly bank of the Rio Obispo Diversion, in latitude 9°03' N., plus 3463.7 feet and longitude 79°39' W., plus 2767.8 feet; thence

N. 00°05'30" E., 261.1 feet, along the easterly bank of the Rio Obispo Diversion, to a monument, marked No. 39 on the map, in latitude 9°03' N., plus 3724.8 feet, and longitude 79°39' W., plus 2767.4 feet; thence

N. 06°09'00" W., 92.3 feet, along the easterly bank of the Rio Obispo Diversion to a monument, marked No. 40 on the map, in latitude 9°03' N., plus 3816.6 feet, and longitude 79°39' W., plus 2777.3 feet; thence

N. 31°57'00" W., 221.1 feet, along the easterly bank of the Rio Obispo Diversion, to a monument, marked No. 41 on the map, in latitude 9°03' N., plus 4004.1 feet, and longitude 79°39' W., plus 2894.3 feet; thence

N. 54°55'00" W., 263.4 feet, along the northerly bank of the Rio Obispo Diversion, to a monument, marked No. 42 on the map, in latitude 9°03' N., plus 4155.5 feet, and longitude 79°39' W., plus 3109.8 feet; thence

N. 61°30'00" W., 453.0 feet, along the northerly bank of the Rio Obispo Diversion, to a monument, marked No. 43 on the map, in latitude 9°03' N., plus 4371.6 feet, and longitude 79°39' W., plus 3507.9 feet; thence

N. 68°13'00" W., 264.9 feet, along the northerly bank of the Rio Obispo Diversion, to a monument, marked No. 44 on the map, in latitude 9°03' N., plus 4469.9 feet, and longitude 79°39' W., plus 3753.9 feet; thence

S. 75°38'00" W., 227.9 feet, along the northerly bank of the Rio Obispo Diversion, to a monument, marked No. 45 on the map, in latitude 9°03' N., plus 4413.4 feet, and longitude 79°39' W., plus 3974.7 feet; thence

N. 43°12'30" W., 376.6 feet, to a monument, marked No. 46 on the map, located 12 feet easterly from the 10 wire telephone line to Gaillard Cut, in latitude 9°03' N., plus 4687.8 feet, and longitude 79°39' W., plus 4232.5 feet; thence

N. 48°56'30" E., 1249.9 feet, parallel to and 12 feet easterly from the 10 wire telephone line to Gaillard Cut, to a monument, marked No. 47 on the map, in latitude 9°03' N., plus 5508.7 feet, and longitude 79°39' W., plus 3289.9 feet; thence

N. 89°59'30" E., 1089.7 feet, through a monument, marked No. 48 on the map, to a monument, marked no. 49 on the map, located approximately 73 feet southwestly from the centerline of Gaillard Highway, in latitude 9°03' N., plus 5508.9 feet, and longitude 79°39' W., plus 2200.2 feet; thence

S. 53°52'30" E., 1540.1 feet, along the southwestly side of Gaillard Highway through monuments, marked No. 50 and No. 51 on the map, to a monument, marked No. 1 on the map, which is the point of beginning.

The directions of the lines refer to the true meridian.

The above-described tract contains an area of 249.63 acres.

The above-described area was surveyed by the Section of Surveys, the Panama Canal, in February, 1936, and is as shown on Panama Canal Drawing 6103-73, dated March 31, 1936, titled "U. S. Naval Radio Station, Summit, C. Z.", showing approval by the Governor of the Panama Canal and by the Commandant, Fifteenth Naval District, in whose offices the drawing is filed.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 23, 1936.

[No. 7399]

[F. R. Doc. 992—Filed, June 24, 1936; 11:38 a. m.]

EXECUTIVE ORDER

AMENDMENT OF SUBDIVISION IX, SCHEDULE A, CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), Subdivision IX of Schedule A of the Civil Service Rules is hereby amended by adding thereto the following paragraph:

"7. Any local veterinarian employed on a fee basis or a part-time basis, where in the opinion of the Commission the establishment of registers is impracticable."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
June 23, 1936.

[No. 7400]

[F. R. Doc. 990—Filed, June 24, 1936; 11:38 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Agricultural Economics.

[Service and Regulatory Announcements No. 93, 2nd Revision]

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION AND CERTIFICATION OF FRUITS, VEGETABLES, AND OTHER PRODUCTS FOR QUALITY AND CONDITION

By virtue of authority vested in the Secretary of Agriculture by the provision in the act of Congress entitled "An Act making appropriations for the Department of Agriculture * * * for the fiscal year ending June 30, 1937, and for other purposes", approved June 4, 1936, authorizing the establishment of an inspection service for perishable farm products, I, R. G. Tugwell, Acting Secretary of Agriculture, do prescribe and promulgate the following rules and regulations to be in force and effect on and after July 1, 1936, and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority. These rules and regulations shall supersede the rules and regulations approved by the Secretary of Agriculture January 14, 1931, under Service and Regulatory Announcements No. 93, Revised, and amendments thereto, except that the standards set forth in Amendment No. 1 shall continue in effect as stated therein.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 24th day of June 1936.

[SEAL]

R. G. TUGWELL,

Acting Secretary of Agriculture.

Approved:

MARTIN G. WHITE,
Solicitor.

REGULATION 1. DEFINITIONS

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Act.*—The following provision of an act of Congress entitled "An act making appropriations for the Department of Agriculture * * * for the fiscal year ending June 30, 1937, and for other purposes", approved June 4, 1936 (Public No. 637—74th Congress), or any future act of Congress conferring like authority:

"For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

Par. 2. *Secretary.*—Secretary or Acting Secretary of Agriculture of the United States.

Par. 3. *Bureau.*—The Bureau of Agricultural Economics of the United States Department of Agriculture.

Par. 4. *Person.*—Individual, partnership, corporation, or association.

Par. 5. *Inspector.*—An employee of the Department of Agriculture or other person authorized by the Secretary to

investigate and certify to shippers and other interested parties the quality and condition of products under the act.

Par. 6. *Products.*—Fruits, vegetables, nuts, and other perishable farm products not covered by other regulations under the act.

Par. 7. *Office of Inspection.*—The office of an inspector of products covered by these regulations.

Par. 8. *Inspection certificate.*—A certificate of the quality or condition of products issued by an inspector under the act.

Par. 9. *Interested party.*—Any person having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

Par. 10. *Regulations.*—Rules and regulations of the Secretary under the act.

REGULATION 2. ADMINISTRATION

SEC. 1. The Chief of the Bureau is charged with the administration of the provisions of the act, and these regulations.

REGULATION 3. WHERE SERVICE IS OFFERED

SEC. 1. *Inspection—Where made.*—Products may be inspected at points indicated in paragraphs 1, 2, and 3 of this section whenever an official inspector is available.

Par. 1. *Shipping points.*—Inspection is available in all States with which the Bureau has entered into cooperative agreements providing for this service.¹

Par. 2. *Designated markets.*—The following are designated as important central markets at which products may be inspected under the act:

Albany, N. Y.	Minneapolis, Minn.
Atlanta, Ga.	Newark, N. J.
Baltimore, Md.	New Haven, Conn.
Boise, Ida.	New Orleans, La.
Boston, Mass.	New York, N. Y. ²
Buffalo, N. Y.	Norfolk, Va.
Chicago, Ill. ²	Oklahoma City, Okla.
Cincinnati, Ohio.	Omaha, Nebr.
Cleveland, Ohio.	Philadelphia, Pa.
Columbus, Ohio.	Pittsburgh, Pa.
Denver, Colo.	Portland, Oreg.
Detroit, Mich.	Providence, R. I.
Fargo, N. Dak.	Rochester, N. Y.
Fort Worth, Tex.	Sacramento, Calif.
Harrisburg, Pa.	St. Louis, Mo.
Hartford, Conn.	Salt Lake City, Utah.
Honolulu, Hawaii.	San Diego, Calif.
Houston, Tex.	San Francisco, Calif.
Indianapolis, Ind.	San Juan, P. R.
Jacksonville, Fla.	Seattle, Wash.
Kansas City, Mo.	Springfield, Mass.
Los Angeles, Calif.	Washington, D. C. ³
Memphis, Tenn.	Wilkes-Barre, Pa.
Milwaukee, Wis.	

Par. 3. *Other points.*—Inspection may be made at any point near a designated market under conditions provided in Regulation 7, Section 1, Par. 5, to the extent permitted by the time of the nearest inspector.

REGULATION 4. INSPECTION SERVICE

SEC. 1. *Kind of service.*—Inspection of products may be made according to quality or condition.

SEC. 2. *Who may obtain service.*—An application for inspection may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal governments and common carriers.

¹ Full information as to places where shipping point inspection is available may be obtained by addressing the Bureau of Agricultural Economics, Washington, D. C.

² Regional supervisory office. New York is supervisory headquarters for the territory east of Ohio and north of Maryland. Chicago is supervisory headquarters for the territory which includes the Lake States west of Pennsylvania, the Mississippi Valley, and Texas. Washington is supervisory headquarters for the Atlantic States south of Pennsylvania and Delaware.

Sec. 3. How to make application.—Application for inspection may be filed in the office of inspection or with an inspector. It may be made in writing, orally, by telegraph, or telephone. If made orally the inspector may require that it be confirmed by applicant in writing or by telegraph, stating the facts required by Section 4 of this regulation. Application may be made for one or more lots, or may be a blanket application for inspection of all designated lots of a given commodity within a given period, or for all designated lots loaded or received at a given point.

Sec. 4. Form of application.—Each application for inspection shall state (a) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (b) the name and post-office address of the shipper; (c) the kind and quantity of the products involved; (d) the financial interest of the applicant (except the State) therein; (e) the identification of the products by (1) grade, brand, or other marks, if possible, and (2) car initials, car number, and name of carrier or number of truck or name of boat, if possible; (3) name and location of store, warehouse, or other place where the products are located; or (4) any other necessary information; and (f) the particular quality or condition concerning which inspection is requested, to which may be added the particular time and place at which it is desired that the inspection be made; (g) the name and address of the receiver when the lot is to be inspected in a receiving market; (h) the name of the shipping point and of the destination when known, and such other information as may be required by the Chief of Bureau.

Sec. 5. When application deemed filed.—An application shall be deemed filed when delivered to the proper office of inspection. A record showing the date and time of filing shall be made in such office.

Sec. 6. When application may be rejected.—An application may be rejected by the inspector in charge of the office of inspection in which it is filed, for non-compliance with the act or any applicable regulation thereunder, and such inspector shall immediately notify the applicant of the reasons for such rejection.

Sec. 7. When application may be withdrawn.—An application may be withdrawn by the applicant at any time before the service is performed upon payment of any expenses incurred in connection therewith.

Sec. 8. Authority of agent.—Proof of the authority of any person applying for inspection in behalf of another may be required in the discretion of the inspector.

Sec. 9. Accessibility of product.—The applicant shall cause the products for which inspection is requested to be made accessible for inspection and to be so placed as to disclose their quality or condition.

Sec. 10. Basis of service.—Inspection and certification for quality or condition shall, unless the applicant shall request otherwise, be based upon the official and tentative standards of the U. S. Department of Agriculture or of any state or foreign country or shall be by description where official standards are lacking.

Sec. 11. Order of inspection.—Inspection shall be made in the order in which applications are received, except that precedence shall always be given, first, to the inspection of lots involved in Perishable Agricultural Commodities Act complaints and, second, to appeal inspections.

Sec. 12. Financial interest of inspector.—No inspector shall inspect any products in which he is directly or indirectly financially interested.

Sec. 13. Postponing inspection.—If the inspector has reason to believe that because of latent defects due to climatic or other conditions he is unable to determine the true quality or condition of the product, he shall postpone examination of the product for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition.

Sec. 14. Certificate—form of.—Certificates shall be issued on forms approved by the Chief of the Bureau, provided, that when application for inspection is made by any branch of the Federal Government or by a public institution or by anyone, for the purpose of determining whether food prod-

ucts for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or noncompliance may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector, provided, further, that memoranda of inspections showing the grades of individual growers' lots offered for manufacturing or other purposes may be issued in lieu of certificates on forms approved by the Chief of the Bureau.

Sec. 15. Certificates—issuance.—The inspector shall sign and issue a separate certificate for each lot of products inspected by him, except that when an inspection is restricted to condition a single certificate may be issued to cover all lots in a car. Each kind of fruit or vegetable shall constitute a separate lot, but different varieties of the same kind of fruit or vegetable, except peanuts, pecans, and other nuts, shall not be so considered.

Sec. 16. Disposition of certificates.—The original certificate and not to exceed two copies, if requested prior to issuance, shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the inspector, or of the cooperating agency, and one copy forwarded to the Chief of the Bureau, except that memoranda of inspections issued as provided in Sec. 15 of this Regulation need not be so forwarded. Copies of certificates shall be kept on file until other disposition is ordered by the Chief of Bureau. In the case of any product with respect to which a marketing agreement or license is in effect under the provisions of the Agricultural Adjustment Act, as amended, copies of certificates covering inspection of such products shall be delivered to the Control Committee or supervisory body or bodies established thereunder upon the direction of the Secretary or his authorized agent, subject to such terms and conditions as the Secretary may prescribe, for the purpose of effectuating the purposes of said marketing agreement and license and the said Agricultural Adjustment Act. Copies will be furnished to other financially interested parties as outlined in Reg. 7, Sec. 1, Par. 6.

Sec. 17. Advance information.—Upon request of an applicant, all or any part of the contents of the certificates may be telegraphed or telephoned to him, or to any person designated by him, at his expense.

REGULATION 5. APPEAL INSPECTION

Sec. 1. When appeal may be taken.—An application for appeal inspection may be made whenever any financially interested person is dissatisfied with the determination stated in the original certificate.

Sec. 2. How to obtain.—Appeal inspection may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal inspection (a) in the inspection office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) in any regional supervisory inspection office, or (d) with the Chief of the Bureau. The application for appeal shall state the reasons therefor and may be accompanied by a copy of any previous inspection certificate or inspection report, or any other information which the applicant shall have received regarding the quality or condition of the product at the time of the original inspection. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally the person receiving the application may require that it be confirmed in writing.

Sec. 3. Record of filing time.—A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

Sec. 4. When appeal may be refused.—If it shall appear that the reasons stated in an application for appeal inspection are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original inspection, or that the products can not be made accessible for a thorough examination of all parts of the lot, or the identity has been lost, or these regulations have not been complied with, the application may be denied.

Sec. 5. When appeal may be withdrawn.—Any application for appeal inspection may be withdrawn by the applicant at

any time before the inspection has been made upon payment of any expenses incurred in connection therewith.

Sec. 6. When a second inspection is not an appeal.—Inspections requested to determine factors of quality or condition which may have undergone material change since the original inspection shall not be considered appeal inspections within the meaning of this regulation. A second inspection requested for the purpose of securing an up-to-date certificate, but where the applicant does not question the correctness of the original certificate covering the lot in question, shall not be considered an appeal inspection within the meaning of this regulation.

Sec. 7. Order in which made.—Appeal inspections shall as far as practicable be made at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except inspections covering lots involved in Perishable Agricultural Commodities Act cases.

Sec. 8. Who shall pass upon appeals.—Appeal inspections shall be made by inspectors specially designated therefor by the Chief of the Bureau, and such inspections shall be conducted jointly by two inspectors when practicable. No appeal inspector shall pass upon an appeal involving the correctness of a certificate issued by him.

Sec. 9. Appeal findings.—After an appeal inspection has been made a certificate designated as "Appeal inspection certificate" shall be signed and issued, referring specifically to the original certificate and stating the quality or condition of the product, as shown by the appeal inspection. In all other respects the provisions of Regulation 4 shall apply to such appeal inspection certificate, except that if the applicant for appeal inspection be not the original applicant a copy of the appeal inspection certificate shall be mailed to the original applicant.

Sec. 10. Superseded certificates.—When an inspection certificate shall have been superseded under these regulations by an appeal inspection certificate such inspection certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal inspection is filed, the officer issuing the appeal inspection certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the cancelled certificate.

REGULATION 6. LICENSED INSPECTORS

Sec. 1. Who may be licensed.—Persons showing proper qualifications may be licensed by the Secretary as inspectors of products which may be inspected under the act. All such licenses shall be countersigned by the supervising inspector under whose direction the licensee is to make inspections, or by such other official as may be designated by the Chief of the Bureau.

Sec. 2. Suspension of license.—Any license may be suspended, pending final action by the Secretary, by any official by whom it may be countersigned or by the Chief of the Bureau whenever such official shall deem such action to be for the good of the service. Within seven days after any such suspension the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to offer in his behalf.

REGULATION 7. FEES AND EXPENSES

Sec. 1. Amount of, rates, etc.—For each lot of products inspected a fee and expenses determined in accordance with paragraphs 1, 2, 3, 4, 5, and 6, of this Section, and Section 4, or such supplemental schedules as may be furnished the inspector from time to time by the Secretary, shall be paid by the applicant.

Par. 1. Basis for charges.—The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except peanuts, pecans, and other nuts, and under Section 13 of Regulation 4, shall be on the following basis: \$4 when the quantity involved is

more than one-half of a carload of the maximum customary size of such products but not more than a full carload, and \$2.50 when the quantity involved is not more than one-half of such carload; but the maximum fee for any carload not exceeding the maximum customary size shall be \$7.50. For each lot of peanuts, pecans, or other nuts inspected, except under Section 13 of Regulation 4, the fee shall be \$5 when the quantity involved is not more than a full carload, provided that different grades and varieties of peanuts shall be considered separate lots. When the lot involved is in excess of a carload or is not contained in cars, the quantity shall be calculated in terms of carloads and fractions thereof of the maximum customary size for such carloads and the rates aforesaid applied, except that when inspections are made on which formal certificates are not issued, as provided in Regulation 4, Section 15, or when the products inspected can not readily be calculated in terms of car lots, or when the services rendered are such that a charge on the carload basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections computed at the rate of not to exceed \$2 per hour, or the charges may be based upon the number of pounds or number of containers examined, provided such charges are in substantial conformity with the hourly or carload rate.

Par. 2. Employee of U. S. Department of Agriculture.—Fees for inspections made by a licensed inspector acting exclusively for the Bureau shall be those provided in the terms of his contract of employment.

Par. 3. Under cooperative agreement.—Fees for inspections made under cooperative agreements shall be those provided for by such agreements.

Par. 4. For appeal inspection.—Fees for appeal inspections of all products shall be double those for original inspections, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged and except that appeal inspection for government agencies shall be at actual cost, but the maximum fee for the reinspection of a single car shall not exceed \$15.

Par. 5. For traveling expenses, etc.—Such further charges may be made for traveling expenses and other items paid or incurred by the Bureau in connection with an inspection made at a place where no inspector is located, or appeal inspection, where the services of a second inspector are required, as will reimburse the Bureau. These charges shall be included with the fee for inspection on the bill furnished the applicant.

Par. 6. For copies of inspection certificates.—For not to exceed three copies of a certificate furnished to any person financially interested in the products involved, except as provided in Section 13 of Regulation 4, the fee shall be \$1, but the maximum fee for such copies in the case of a single car shall not exceed \$5.

Sec. 2. How fees shall be paid.—Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector, and in advance if required by the inspector.

Sec. 3. Disposition of fees.—The fees covered by paragraphs 1, 2, and 3 of Section 1 of this regulation shall be disposed of as follows:

Par. 1. Fees for inspections made by salaried inspectors acting exclusively for the Bureau shall be promptly remitted to the Bureau.

Par. 2. Fees for inspections made by a licensed inspector acting exclusively for the Bureau, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the Bureau.

Par. 3. Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State as may be due the United States shall be remitted to the Bureau.

Fees covered by Paragraphs 4, 5, and 6 of Section 1 of this regulation shall be remitted to the Bureau.

SEC. 4. *Refunds*.—Upon filing a declaration of his intention to avail himself of this privilege any applicant who shall have paid for 500 or more carload inspections of fruits and vegetables in any one market within the period of one year immediately following such filing shall receive a refund from the Department at the rate of \$1.50 per carload for the first 500 cars. For inspections in excess of 500 cars the fee shall be \$2.50 per carload for the remainder of the year unless the total number exceeds 1,000, in which event the applicant shall be entitled to a further refund at the rate of \$0.50 per carload for the entire number so inspected. For inspections in excess of 1,000 cars the fee shall be \$2.00 per car during the remainder of the year: *Provided*, That if at any time before the first 1,000 cars are inspected for such applicant the Bureau is unable during a continuous period of thirty days to furnish inspections when requested said refund of \$1.50 per car shall be made on such cars as have been inspected up to that time on which a refund has not been made.

REGULATION 8. MISCELLANEOUS

SEC. 1. *Fraud or misrepresentation*.—Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any applicant for inspection or reinspection or any willful violation of these regulations may be deemed sufficient cause for debarring the person guilty thereof from any further benefits of the act.

SEC. 2. *Publication*.—Publication under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau and such other mediums as the Chief of the Bureau may from time to time designate for the purpose.

SEC. 3. *Political Activity*.—All inspectors authorized either by appointment or license from the Secretary of Agriculture, to issue inspection certificates under the act and these regulations are forbidden, during the period of their appointment or license, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this regulation will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

SEC. 4. *Identification*.—All inspectors shall have in their possession at all times Bureau identification cards, and shall identify themselves by such cards on request.

[F. R. Doc. 993—Filed, June 24, 1936; 12:20 p. m.]

DEPARTMENT OF LABOR

Immigration and Naturalization Service.

[General Order No. 232]

DOCUMENTS REQUIRED OF ALIENS ENTERING THE UNITED STATES

JUNE 19, 1936.

Pursuant to the authority conferred by section 24 of the Immigration Act of 1924 (Act of May 26, 1924; 43 Stat. 166; U. S. C., Title 8, Section 222), and Executive Orders 6166 and 6986, dated June 10, 1933, and March 9, 1935, respectively, the following amendments are hereby made to Rule 3 of the Immigration Rules of January 1, 1930, as amended:

Paragraph 1, Subdivision F, Rule 3 is amended to read as follows:

PARAGRAPH 1. No immigrant, whether a quota immigrant or a non-quota immigrant, of any nationality shall be admitted to the United States unless such immigrant shall present to the proper immigration official, at the port of arrival, an immigration visa duly issued and authenticated by an American consular officer, except in the following cases:

(a) An alien immigrant child born subsequent to the issuance of the immigration visa of an accompanying parent, the visa not having expired.

(b) An alien immigrant child born during the temporary visit abroad of a mother who is a citizen of the United States or of an alien mother who has previously been legally admitted into the United States for permanent residence, provided the child is accompanying a parent to the United States upon the first return of the parent to the United States and applies for admission into the United States within a period of two years after the date of birth. The case of an alien child of tender age which does not come precisely within the terms of these conditions may be referred to the Central Office for determination as to whether it comes within the provisions of section 13 (a) of the Immigration Act of 1924.

NOTE.—A child born abroad of an alien father and American citizen mother after 12 noon E. S. T. May 24, 1934, is a citizen of the United States under the provisions of the act of May 24, 1934 (48 Stat. 797; U. S. C., Title 8, Section 6.) For interpretation of that act see General Order No. 211.

(c) An alien immigrant who has previously been legally admitted into the United States for permanent residence, has departed temporarily therefrom and returned within six months, not having proceeded to any place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies.

(d) An alien who has previously been legally admitted into the United States as a non-quota immigrant student, has departed temporarily therefrom and returned within six months, not having proceeded to any place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies, and not having relinquished his student status.

(e) An alien immigrant who has previously been legally admitted into the United States for permanent residence and who is returning from a round trip cruise without transshipment from the original vessel while en route.

(f) An alien immigrant who has previously been legally admitted into the United States for permanent residence, has departed therefrom and is returning from a temporary visit abroad, and who holds an unexpired permit to reenter issued pursuant to section 10 of the Immigration Act of 1924. The alien must present the permit to the appropriate immigration officer at the port of arrival.

(g) A Spanish national who on April 11, 1893 (whether adult or minor), was a bona fide resident of Puerto Rico or adjacent islands which comprised the Province of Puerto Rico, and who, in conformity with Article IX of the Treaty between the United States and Spain of April 11, 1893, has preserved his allegiance to Spain, may present a passport visa, in lieu of an immigration visa, for entry into Puerto Rico for permanent residence. The act of May 26, 1926, provides that such aliens may be admitted into Puerto Rico without regard to the provisions of the Immigration Act of 1924, except section 23. Passport visas issued to such aliens will bear the following notation: "Visa issued to Spanish citizen under provisions of act of May 26, 1926." If such aliens travel by a mainland port, the visa will bear the notation: "Visa (name of port)." For statistical purposes there will be entered in the space provided in the manifest for noting the date, place, issue, and number of immigration visa, a notation reading as follows: "Admitted under act of May 26, 1926."

(h) Philippine citizens, upon returning from a temporary visit to any foreign country, or the Philippine Islands, may be readmitted into Hawaii without an immigration visa or reentry permit upon establishing that their residence in Hawaii began prior to May 1, 1934, that their absence from that Territory was temporary, and that they are otherwise admissible under the immigration laws.

(i) Philippine citizens, upon returning from a temporary visit to any foreign country, or the Philippine Islands, may be readmitted into the United States (including Hawaii) without an immigration visa or a reentry permit upon establishing that their residence in the United States, except the Territory of Hawaii, began prior to May 1, 1934, that their absence from the United States was temporary, and that they are otherwise admissible under the immigration laws.

Paragraph 2, Subdivision F, Rule 3, is amended to read as follows:

PAR. 2. No alien other than those classified under subdivisions 4 and 5 of section 3 of the Immigration Act of 1924, as amended, shall be admitted to the United States as a nonimmigrant unless he shall present to the proper immigration official at the port of arrival a passport or official document in the nature of a passport issued by the government of the country to which he owes allegiance, duly viced by an American consular officer; or a valid transit certificate, except in the following cases:

(a) A nonimmigrant alien who is a through passenger on a vessel touching at a port of the United States, landing temporarily while the vessel is in port. This provision covers the cases of aliens who are on vessels destined to a foreign port beyond the United States, which vessels may touch at a United States port while en route to such foreign destination, but does not cover passengers on vessels making round trip cruises from a foreign port to a port of the United States, as for example, a vessel sailing from Liverpool to New York and returning to Liverpool, as such a vessel would not be regarded as en route to a foreign destination upon its

arrival at the port of New York. However, if a vessel leaving Liverpool and destined for Buenos Aires, for instance, should touch at New York en route to its destination, the through passengers thereon would be covered by the provision. Cases of this kind shall be handled in the manner provided by Paragraph 7, Subdivision H of Rule 3.

(b) A nonimmigrant alien passing in transit through the United States or entering the United States temporarily, who is a citizen of Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, Bermuda, or of any British, French, or Netherland possession in the West Indies, and domiciled therein (the term "citizen" meaning a person who is a native of or who has acquired citizenship by naturalization or by marriage under the laws in force in the territory specified and who has not lost such citizenship), or who is a British subject domiciled in Canada, Newfoundland, Bermuda, or any British possession in the West Indies, or who is a French citizen domiciled in St. Pierre or Miquelon, or any French possession in the West Indies, or who is a Netherland subject domiciled in any Netherland possession in the West Indies.

(c) A nonimmigrant alien lawfully admitted into the United States who later goes in transit from one part of the United States to another through foreign contiguous territory.

(d) A nonimmigrant alien child born subsequent to the issuance of the passport visa or transit certificate of an accompanying parent, the visa or transit certificate not having expired.

(e) An alien who has previously been legally admitted into the United States with a diplomatic visa or with a passport visa as a nonimmigrant as defined by section 3 (1), or section 3 (6) of the Immigration Act of 1924, and who departed temporarily therefrom and returned within six months (not having proceeded to any place outside Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies), and not having relinquished the status in which he was originally admitted.

Aliens of no nationality and those who, when they apply for visas are outside of the territory of the country to which they owe allegiance, and who for any reason are unable to obtain passports or documents in the nature of passports of such countries, and aliens bearing passports issued by governments not recognized by the United States, may be admitted to the United States with documents showing their origin and identity, duly visaed by consular officers.

Paragraph 2, Subdivision I, Rule 3 is amended to read as follows:

PAR. 2. An alien claiming to be a non-quota immigrant on the ground that he has been previously lawfully admitted to the United States and is returning from a temporary visit abroad shall not be admitted as such unless at the time of arrival he shall establish that he has been previously lawfully admitted for permanent residence and is returning from a temporary visit abroad, and presents an unexpired valid immigration visa duly issued by an American consular officer designating the holder to be a non-quota immigrant: *Provided*, That the presentation of an unexpired valid permit to reenter duly issued to the holder thereof pursuant to the provisions of section 10 of the Immigration Act of 1924 shall be deemed to show prima facie that such holder is returning from a temporary visit abroad, and shall be accepted in lieu of an immigration visa; *Provided further*, That any alien who establishes that he has been previously lawfully admitted into the United States for permanent residence and is returning from a temporary visit of not more than six months to Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies, not having proceeded to any place outside those countries, shall be permitted to reenter the United States without a passport, immigration visa, or permit to reenter; *Provided further*, That any alien who has previously been lawfully admitted into the United States as a non-quota immigrant student and is returning from a temporary visit of not more than six months to Canada, Newfoundland, St. Pierre, Miquelon, Mexico, Cuba, Haiti, the Dominican Republic, Panama, the Panama Canal Zone, Bermuda, or the British, French, or Netherland possessions in the West Indies, not having relinquished his student status and not having proceeded to any place outside those countries, shall be permitted to reenter the United States without a passport, immigration visa, or permit to reenter; *Provided further*, That the following described aliens who on admission expressed an intention of remaining but temporarily in or of passing in transit through the United States, of whose admission a record exists, and in whose cases head tax was assessed, if assessable, and not refunded, but who remained in the United States, may be regarded as having been admitted for permanent residence: (1) Aliens admitted prior to June 3, 1921, except that aliens of these classes admitted temporarily under the ninth proviso to section 3 of the act of February 5, 1917, will not be regarded as having been admitted for permanent residence, (2) aliens admitted under the act of May 19, 1921, as amended, who were of a class admissible for permanent residence under that act notwithstanding the quota limitations of the act, (3) an accompanying wife or unmarried child under 21 years of age of an alien admitted under the act of May 19, 1921, as amended, who was of a class admissible for permanent residence under that act notwithstanding the quota limitations of the act,

and (4) aliens charged under such law to the proper quota at time of admission or subsequently and who remained so charged.

[SEAL]

D. W. MACCORMACK, *Commissioner*.

Approved:

FRANCES PERKINS,
Secretary.

[F. R. Doc. 973—Filed, June 23, 1936; 3:07 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

ADOPTION OF COMMISSION ORDER NO. 12-B

The Commission, meeting in General Session on June 10, 1936, adopted the following order amending Rule 8 (1) of Tariff Circular No. 1:

COMMISSION ORDER NO. 12-B

At a general session of the Federal Communications Commission held at its office in Washington, D. C., on the 10th day of June 1936:

The Commission having under consideration Rule 8 (1) of Tariff Circular No. 1:

It is ordered, That effective July 15, 1936, Rule 8 (1) be amended to read as follows:

Message toll telephone service points and teletypewriter exchange service points added or discontinued during a calendar month, and mileages for private line services added during a calendar month, may be filed not later than 20 days after the end of such month; provided that the basic schedules of charges and regulations applicable to such message toll telephone, teletypewriter exchange and private line services are already on file and in effect, and provided, further, that the effective date of each addition or discontinuance is shown and reference is made to this rule.

By the Commission.

[SEAL]

JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 974—Filed, June 24, 1936; 9:30 a. m.]

RULE 407 AMENDED

The Telegraph Division, at its regular meeting on June 16, 1936, amended Rule 407 of the Commission's Rules and Regulations to read as follows:

407. An applicant for the class C amateur operator's privileges must have his application signed in the presence of a person authorized to administer oaths (1) by a licensed radiotelegraph operator other than an amateur operator possessing only the class C privileges or former temporary amateur class license, or (2) by a person who can show evidence of employment as a radiotelegraph operator in the government service of the U. S. In either case the radiotelegraph code examiner shall attest to the applicant's ability to send and receive messages in plain language in the International Morse code (5 characters to the word) at a minimum speed of 13 words per minute. The code certification may be omitted if the applicant can show proof of code ability in accordance with the preceding rule.

[SEAL]

JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 975—Filed, June 24, 1936; 9:30 a. m.]

[Telegraph Division Order No. 15-A]

RATES FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

At a regular meeting of the Telegraph Division of the Federal Communications Commission, June 16, 1936:

The Telegraph Division having under consideration the matter of rates of pay for Government communications by telegraph:

It is ordered:

1. That during the period July 1, 1936 to June 30, 1937, both inclusive, telegraph communications between the several departments of the Government and their officers and agents, in their transmission over the lines or circuits of any telegraph company subject to the Post Roads Act, approved July 24, 1866, 14 Stat. 221, as amended, U. S. C., title 47,

shall have priority over all other business and shall be sent at rates not exceeding forty (40) per centum of the rates applicable to commercial communications of the same class, of the same length, and between the same points in the United States, except that the rates for serial messages and timed wire service shall not exceed eighty (80) per centum of the rates applicable to like commercial serial messages and timed wire service between the same points in the United States: *Provided, however,* That the minimum charge for day messages shall be 25 cents, for day letters 45 cents, for night messages 20 cents, for night letters 30 cents, for serial messages 54 cents, and for timed wire service 45 cents, unless any of these amounts shall be greater than the minimum for a corresponding commercial message in which event the provision set forth in paragraph 5 below shall apply: *And provided further,* That a day letter shall be charged for as a day letter or a day message, according to which of these classifications shall produce the lower charge for the particular message; and that an overnight message shall be charged for as a night message or as a night letter, according to which of these two classifications shall produce the lower charge for the particular message; *And provided further,* That when the first section of a serial message is not followed by another on the same day, it shall be charged for as a day message; that when more than one section is filed on the same day, the sections shall be charged for at the serial rates or each section shall be charged for as a day message, according to which of these classifications shall produce the lower total charge; and that timed wire messages shall be charged for as timed wire service or as day messages, according to which of these classifications shall produce the lower charge.

2. That during the period stated telegraph communications between the several departments of the Government and their officers and agents, between points in the continental United States and points in possessions of the United States, between points in different possessions, and between points in the continental United States, including such possessions, and points in foreign countries transmitted by any carrier or carriers subject to the Post Roads Act, or subject to the terms of a permit signed, or license granted, by the President of the United States giving the Postmaster General authority to fix rates of pay for Government communications by telegraph shall, between all points embraced within the scope of such Act, permit, or license, have priority over all other business, and shall be sent at rates not exceeding fifty (50) per centum of the rates applicable to commercial communications of the same class, of the same length, and between the same points, except that rates for Government code messages shall not exceed sixty (60) per centum of the ordinary Government rates as herein prescribed; provided, however, that in cases where Government messages are transmitted between any of such points in part over the facilities of any carrier or carriers subject to the Post Roads Act, or subject to the terms of any permit signed, or license granted, by the President giving authority to the Postmaster General to fix rates (such carrier or carriers being hereinafter called domestic carrier or carriers), and in part over the facilities of a carrier, carriers, administration, or administrations not subject thereto (hereinafter called foreign carriers or administrations), the charges for Government communications shall not exceed the following, to wit: for Government communications between points in the continental United States and Mexico or Canada, the charges shall not exceed the amounts derived by applying the percentages stated in the first ordering paragraph herein, to the prevailing commercial rates between the points of origin or destination in the continental United States and the border, plus the prevailing rates applicable to United States Government messages between points of origin or destination in Mexico and Canada and the border; and for Government communications between all other points, the charges shall not exceed the percentages specified in the second ordering paragraph herein, applied to the full portion of the charges accruing to the domestic carrier or carriers, plus the charges actually made for United States Gov-

ernment communications by such foreign carriers or administrations; and provided further, (a) that with respect to communications to and from the Philippine Islands and the Canal Zone, the percentages specified shall apply to such communications only in so far as the transmission takes place within the United States and its possessions, other than the Philippine Islands and the Canal Zone; (b) that the rates over All America Cables, Inc., during the period stated, between the following named points, shall be:

	Per word
Between New York, N. Y., and Canal Zone.....	\$0.15
Between Fisherman's Point, Guantanamo Bay, Cuba, and Canal Zone.....	.09
Between Limon, San Jose, and Puntarenas, C. R., and Canal Zone.....	.075

(c) that rates over Commercial Pacific Cable Company during the period stated, between the following named points, shall be:

	Per word
Between San Francisco, Calif., and Philippine Islands:	
Luzon Island, Manila.....	\$0.265
Luzon Island, other offices.....	.315
Other Islands, all offices.....	.445
Between Honolulu, Hawaii, and Philippine Islands:	
Luzon Island, Manila.....	.225
Luzon Island, other offices.....	.275
Other Islands, all offices.....	.405
Between Midway Island and Philippine Islands:	
Luzon Island, Manila.....	.175
Luzon Island, other offices.....	.225
Other Islands, all offices.....	.355
Between Sumaye, Guam, and Philippine Islands:	
Luzon Island, Manila.....	.10
Luzon Island, other offices.....	.15
Other Islands, all offices.....	.28
Between Manila and China:	
Shanghai.....	.10
Hongkong.....	.0575
Kwangi, Kwantung Provinces.....	.11
Macao.....	.11
Manchuria (other than Japanese offices).....	.15
All other places.....	.15
Between Manila and Japan:	
Formosa.....	.23
All other places, including Caroline Islands, Chosen, Corea, Jaluit (Marshall Islands), Japanese Saghalien, Kwangtung Peninsula (China), Palaos Islands, Peccadores Islands, Saipan (Marianne Islands), and Japanese offices in Manchuria.....	.235

and (d) that the rates over R. C. A. Communications, Inc., during the period stated, between the following points, shall be:

	Per word
Between San Francisco, Calif., and Philippine Islands, Manila.....	\$0.265
Between Washington, D. C., and Philippine Islands, Manila.....	.34

3. The provisions of the first and second ordering paragraphs shall be construed to include messages transmitted over facilities of Naval Communications Service in connection with facilities of a domestic carrier or carriers or with facilities of a domestic carrier or carriers and foreign carriers or administrations, the Naval Communications Service making no charge for its own service.

4. That if any new service shall be established during the period stated, a supplementary order will be issued fixing the Government rate for such service.

5. That in no case shall the charge for a Government message exceed the charge for a corresponding commercial message; and that in cases where the charge for a Government message, as determined herein, shall include a fraction of a cent, such fraction, if less than one-half, shall be disregarded, if one-half or more, it shall be counted as one cent; except that the rate for Government code messages shall be rounded up to the next higher half cent, if the fraction be less than one-half, and to a full cent, if the fraction be more than one-half.

6. That all Government communications shall have priority over all other business, as above provided, and shall, unless otherwise provided herein, be subject to the classifications, practices, and regulations applicable to the corresponding commercial communications.

7. That every domestic carrier which is subject to the Communications Act of 1934, shall, not later than 30 days

after service of this order, file with this Commission all schedules of charges applicable to Government communications established pursuant to this order, said schedules to be filed in full compliance with the requirements of Section 203 of the Communications Act of 1934, and with the rules contained in Tariff Circular No. 1, to be constructed in such manner and form that the full charges for all Government messages from origins to destinations can be exactly and readily ascertained therefrom, and to name effective dates as of July 1, 1936, or the day following the filing thereof; *Provided, however*, That if schedules applicable to Government messages are already on file and in effect and are in accord with the provisions of this order, new and revised schedules need not be filed.

8. That every domestic carrier required under the terms of any permit signed, or license granted, by the President of the United States to transmit messages for the Government of the United States or any of its possessions, free of charge, shall file schedules in accordance with paragraph 7 above, and with the terms of such permit or license.

9. That in every case where during the period stated any schedule containing charges applicable to commercial messages shall be changed, or the charges made by the foreign carriers or administrations shall be changed, the schedule containing the charges applicable to Government messages shall be correspondingly changed, effective on the same date, provided, however, that this provision shall not apply where, under the terms of the permit or license, a domestic carrier is required to transmit Government messages free of charge, nor with respect to rates to and from the Philippine Islands and the Canal Zone the specific amounts of which are fixed and stated in the second ordering paragraph above.

10. That nothing herein contained shall apply to rates fixed by agreement between the Secretary of Agriculture and the Companies performing the service under the Department of Agriculture Appropriation Act.

By the Commission, Telegraph Division.

[SEAL]

JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 976—Filed, June 24, 1936; 9:31 a. m.]

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS.

[Administrative Order No. 61 (Supplement 13)]

INCREASES IN HOURS OF WORK ON P. W. A. NON-FEDERAL
PROJECTS

JUNE 19, 1936.

P. W. A. NON-FEDERAL E. R. A. PROJECTS

1. Where, in the judgment of the State Director, there exists special and unusual circumstances which, in his judgment, render it infeasible or impracticable to require adherence to the maximum hours of work prescribed for P. W. A. non-Federal E. R. A. projects by Executive Order No. 7046 of May 20, 1935, and as set forth in the "Construction Regulations" of the applicable P. W. A. Forms, the State Director is hereby authorized, upon proper request and subject to the other applicable provisions hereof, to approve of maximum hours of work in excess of those so prescribed and set forth.

2. Any request to exceed, because of circumstances stated in Paragraph 1 hereof, the maximum hours of work prescribed and set forth as mentioned in said paragraph, should be in writing and should conform to the following requirements:

(a) When the affected work is Force Account, the Owner should make the request and direct it to the State Director.

(b) When the affected work is principal contract work, the contractor should make the request and direct it to the Owner who, if it approves thereof, should transmit the request to the State Director along with the Owner's comments and recommendations.

(c) When the affected work is sub-contract work, the sub-contractor should make the request and direct it to his principal contractor who, if he approves thereof, should transmit the request to the Owner along with his comments and recommendations and, if the Owner approves of the request, it should transmit the request to the State Director along with the contractor's and the Owner's comments and recommendations.

(d) When the affected work is included in a proposed contract on which no bids have been taken, the Owner should make the request and direct it to the State Director.

(e) The request should state, among other things:

(1) Proper identification of the affected work, contract, sub-contract, or proposed contract.

(2) If the prescribed maximum hours of work are not to be increased for all trades or occupations engaged or to be engaged on the affected work, contract, sub-contract, or proposed contract, the trades or occupations to which the requested increase of maximum hours will apply,

(3) If the prescribed maximum hours of work are to be increased for all trades or occupations engaged or to be engaged on the affected work, contract, sub-contract, or proposed contract, that such is the case,

(4) The maximum hours requested to apply, and

(5) The special and unusual circumstances alleged to render infeasible or impracticable adherence to the maximum hours of work prescribed and set forth as mentioned in Paragraph 1 hereof.

(f) Any request and any comments and recommendations transmitted to the State Director should be accompanied by one duplicate copy thereof.

3. Before honoring any particular request, the State Director may make or cause to be made such investigations of the circumstances as he may deem necessary or appropriate on which to base his action, and may call upon the State Engineer Inspector for the latter's comments and recommendations.

4. Any approval by the State Director of a request to exceed the maximum hours of work prescribed and set forth as mentioned in Paragraph 1 hereof, shall be in writing, shall be directed and transmitted to the Owner, and shall conform to the following requirements:

(a) The affected work, contract, sub-contract, or proposed contract shall be substantially identified.

(b) If the prescribed maximum hours of work are not to be increased for all trades or occupations engaged or to be engaged on the affected work, contract, subcontract, or proposed contract, the trades or occupations to which the approved increase of maximum hours will apply shall be stated.

(c) If the prescribed maximum hours of work are to be increased for all trades or occupations engaged or to be engaged on the affected work, contract, subcontract, or proposed contract, it shall be so stated.

(d) The State Director shall find, determine, and state succinctly the special and unusual circumstances, and shall find, determine, and state that, because of such special and unusual circumstances, it is his judgment that it is infeasible or impracticable to require adherence to the maximum hours of work prescribed and set forth as mentioned in Paragraph 1 hereof.

(e) The new maximum hours of work as approved by the State Director shall be stated.

5. Simultaneously with his transmittal of an approval to the Owner, the State Director shall transmit two copies thereof to the State Engineer Inspector, one copy thereof to the District Project Auditor, one copy thereof to the Special Agent in Charge and one copy thereof to the central office. The copy transmitted to the central office shall be accompanied by the duplicate copy of the request and accompanying papers.

6. Where an approval has reference to a proposed contract on which no bids have been taken, the State Director

shall require that the proposed contract documents contain a statement of (a) the new maximum hours of work, (b) the affected trades or occupations, and (c) the special and unusual circumstances which render it infeasible or impracticable to adhere to the maximum hours of work prescribed and set forth as mentioned in Paragraph 1 hereof. In the event the State Director's approval is given after the approval of the proposed contract documents but before any bids have been taken, the State Director shall require that an appropriate addendum be issued by the Owner covering substantially the matters mentioned in the last preceding sentence.

7. Where, in the judgment of the Resident Engineer Inspector, there exists an emergency, because of which it is necessary, in his judgment, to increase the maximum hours of work prescribed for PWA non-Federal ERA projects by Executive Order No. 7046 of May 20, 1935, and as set forth in the "Construction Regulations" of the applicable PWA Forms, the Resident Engineer Inspector is hereby authorized, upon proper request and subject to the other applicable provisions hereof, to approve of maximum hours of work in excess of those so prescribed and set forth.

8. Any request to exceed, because of an emergency, the maximum hours of work prescribed and set forth as mentioned in Paragraph 1 hereof, should be in writing and should conform to the following requirements:

(a) When the affected work is Force Account, the Owner should make the request and direct it to the Resident Engineer Inspector.

(b) When the affected work is principal contract work, the contractor should make the request and direct it to the Owner who, if it approves thereof, should transmit the request to the Resident Engineer Inspector along with the Owner's comments and recommendations.

(c) When the affected work is sub-contract work, the subcontractor should make the request and direct it to his principal contractor who, if he approves thereof, should transmit the request to the Owner along with his comments and recommendations and, if the Owner approves of the request, it should transmit the request to the Resident Engineer Inspector along with the contractor's and the Owner's comments and recommendations.

(d) The request should state, among other things:

(1) Proper identification of the affected work, contract, or sub-contract,

(2) If the prescribed maximum hours of work are not to be increased for all trades or occupations engaged or to be engaged on the affected work, contract, or sub-contract, the trades or occupations to which the requested increase of maximum hours will apply,

(3) If the prescribed maximum hours of work are to be increased for all trades or occupations engaged or to be engaged on the affected work, contract or sub-contract, that such is the case,

(4) So far as practicable, the maximum hours requested to apply, and

(5) The nature of the emergency, because of which it is alleged to be necessary to increase the maximum hours of work prescribed and set forth as mentioned in Paragraph 7 hereof, the time when it commenced, and the time it is estimated such emergency will continue.

9. Any request and any comments and recommendations transmitted to the Resident Engineer Inspector should be accompanied by one duplicate copy thereof.

10. Before honoring any particular request, the Resident Engineer Inspector may make or cause to be made such investigations of the circumstances as he may deem necessary or appropriate on which to base his action.

11. Any approval by the Resident Engineer Inspector of a request to exceed the maximum hours of work prescribed and set forth as mentioned in Paragraph 7 hereof shall be in writing, shall be directed and transmitted to the Owner, and shall conform to the following requirements:

(a) The affected work, contract, or sub-contract shall be substantially identified.

(b) If the prescribed maximum hours of work are not to be increased for all trades or occupations engaged or to be engaged on the affected work, contract, or sub-contract, the trades or occupations to which the approved increase of maximum hours will apply shall be stated.

(c) If the prescribed maximum hours of work are to be increased for all trades or occupations engaged or to be engaged on the affected work, contract, or subcontract, it shall be so stated.

(d) The Resident Engineer Inspector shall find, determine and state succinctly the nature of the emergency and shall find, determine, and state that because of such emergency, it is his judgment that it is necessary to increase the maximum hours of work prescribed and set forth as mentioned in Paragraph 7 hereof.

(e) The new maximum hours of work as approved by the Resident Engineer Inspector shall be stated.

(f) The time of the commencement of the emergency shall be stated.

(g) The effective date of the commencement of the new maximum hours of work shall be stated.

(h) The approval shall state that the new maximum hours of work shall apply from the stated time of commencement thereof until the cessation of the emergency unless made inapplicable before the cessation of the emergency by written notice to the Owner by the Resident Engineer Inspector.

12. Simultaneously with his transmittal to the Owner of an approval, the Resident Engineer Inspector shall transmit one copy thereof to the State Director, one copy thereof to the State Engineer Inspector, one copy thereof to the District Project Auditor, one copy thereof to the Special Agent in Charge, and one copy thereof to the central office. The copy transmitted to the central office shall be accompanied by the duplicate copy of the request and accompanying papers.

13. After a request has been approved by the Resident Engineer Inspector, when the emergency ceases to exist, the Resident Engineer Inspector shall so find, determine, and accordingly state in a written notice which shall be directed and transmitted to the Owner and, simultaneously with his transmittal of such notice to the Owner, the Resident Engineer Inspector shall transmit one copy thereof to the State Director, one copy thereof to the State Engineer Inspector, one copy thereof to the District Project Auditor, one copy thereof to the Special Agent in Charge and one copy thereof to the central office.

14. Where, after approval of a request but before the cessation of the emergency, the Resident Engineer Inspector gives written notice to the Owner that the new maximum hours of work are no longer applicable, simultaneously with the giving of such notice, the Resident Engineer Inspector shall transmit one copy thereof to the State Director, one copy thereof to the State Engineer Inspector, one copy thereof to the District Project Auditor, one copy thereof to the Special Agent in Charge, and one copy thereof to the central office.

PWA NON-FEDERAL NIRA PROJECTS

15. Section 206 (2) of Title II of the National Industrial Recovery Act provides:

(2) that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week.

Paragraph 2 of the "Rules and Regulations" prescribed by the Administrator with the approval of the President, December 26, 1934 (P. W. 26649), under authority of Executive Order No. 6929 of December 26, 1934, provides:

2. *Thirty-hour Week*.—No employer shall permit any individual directly employed on any such project, except one holding an executive, administrative, or supervisory position, to work more than thirty hours in any one week, without first obtaining from the Administrator or from his authorized agent written permission therefor. Such permission shall be given by the Administrator or his authorized agent in all cases when in his judgment or in the judgment of his authorized agent it shall be impracticable or unfeasible to so limit the working hours.

16. Where, in the judgment of the State Director, there exist special and unusual circumstances which, in his judgment, render it infeasible or impracticable to require adherence to the maximum hours of work prescribed as stated in Paragraph 15 hereof and as set forth in the Construction Regulations of the applicable P. W. A. Forms, the State Director is hereby authorized, upon proper request and subject to the other applicable provisions hereof, to approve of maximum hours of work in excess of those so prescribed and set forth. Requests, approvals thereof, etc., shall conform to the requirements and procedure outlined in Paragraphs 2, 3, 4, 5, and 6 hereof.

17. Where, in the judgment of the Resident Engineer Inspector there exists an emergency because of which it is necessary, in his judgment, to increase the maximum hours of work prescribed as stated in Paragraph 15 and as set forth in the Construction Regulations of the applicable P. W. A. Forms, the Resident Engineer Inspector is hereby authorized, upon proper request and subject to the other applicable provisions hereof, to approve of maximum hours of work in excess of those so prescribed and set forth. Requests, approvals thereof, etc., shall conform to the requirements and procedure outlined in Paragraphs 8, 9, 10, 11, 12, 13, and 14 hereof.

P. W. A. NON-FEDERAL E. R. A. OR N. I. R. A. PROJECTS FOR WHICH THERE ARE PROJECT ENGINEERS

Special Provisions

18. In case of any P. W. A. non-Federal E. R. A. or N. I. R. A. project for which there is a Project Engineer, the State Director to whom the Project Engineer is required to report is hereby authorized to exercise the same powers which the State Director is herein authorized to exercise with respect to any other P. W. A. non-Federal E. R. A. or N. I. R. A. project, as the case may be, for which there is no Project Engineer: *Provided*, That in transmitting any request, comments, and recommendations, and the copy thereof to the State Director, the Owner should transmit the same to the State Director through the Project Engineer who shall accompany same with his comments and recommendations and a copy thereof: *Provided further*, That the State Director's approval or disapproval of any such request shall be transmitted by him to the Owner through the Project Engineer.

19. The powers herein authorized to be exercised by Resident Engineer Inspectors shall include P. W. A. non-Federal E. R. A. and N. I. R. A. projects for which there are Project Engineers: *Provided*, That the Resident Engineer Inspector shall furnish the Project Engineer a copy of any approval or disapproval of a request and a copy of any notice such as mentioned in Paragraphs 13 and 14 hereof.

General Provisions

20. The P. W. A. officer granting an approval as herein authorized shall state therein that the same has reference only to P. W. A. requirements; that it does not have reference to the provisions of local laws, if any, restricting hours of work; and that the interpretation and application of any such local laws are matters concerning which no responsibility is assumed.

21. The PWA officer granting an approval as herein authorized shall state therein, when same has reference to work under contract or sub-contract, that such approval is conditioned upon the Owner informing the affected principal contractor that the Owner does not waive any rights it may have to liquidated damages in the event that such contractor shall fail to complete the work within the time specified in the contract.

22. Where a State Director, as herein authorized, approves of maximum hours of work in excess of those prescribed and set forth as hereinbefore stated, if his approval of such maximum hours of work is for a lesser period of time than for the period required for the completion of the affected work, contract or subcontract, his approval shall state for what period of time such maximum hours of work shall apply.

This paragraph does not apply to proposed contract cases hereinbefore mentioned. In proposed contract cases the maximum hours of work as approved by the State Director shall apply for the life of the proposed contract.

23. Anything herein to the contrary notwithstanding, if the request received by the State Director pertains to a proposed contract on which no bids have been taken, promptly upon receipt of such request, the State Director shall prepare and transmit to the Assistant Administrator (a) a true copy of such request and of the accompanying papers received by the State Director, (b) a detailed report of any investigation made by the State Director concerning the special and unusual circumstances alleged in such request, (c) the State Director's recommendations as to what action should be taken by the Assistant Administrator on such request, and (d) a copy of the form of approval which the State Director proposes to grant in case the Assistant Administrator shall consent. Pending receipt of the Assistant Administrator's instructions to the State Director, the latter shall not take further action upon the request. Upon the State Director's receipt of the Assistant Administrator's instructions, the State Director shall act upon such request in accordance with such instructions and not otherwise. In preparing the proposed form of approval mentioned in this paragraph, the State Director shall provide that the new maximum hours of work shall apply for the life of the proposed contract.

24. In cases within the jurisdiction of the Resident Engineer Inspector, where the emergency is of such a character as that it is impossible to await preparation of written request and written approval as hereinbefore indicated, the Resident Engineer Inspector may give oral approval to an oral request provided that within twenty-four hours after such oral request both are confirmed in writing in accordance with the prescribed procedure.

25. If, at the time the Resident Engineer Inspector grants an approval, it is impracticable for him to state therein, as required by Paragraph 11 (e) hereof, the new maximum hours of work which will apply, then, in lieu of complying with the requirement of said Paragraph 11 (e), the Resident Engineer Inspector shall state in his approval that he will give approval daily to the maximum hours of work which, in his judgment, are necessary to overcome as quickly as possible the emergency condition. In the event the Resident Engineer Inspector is forced to adopt the procedure outlined in the last preceding sentence, then, at the time when he transmits to the Owner the notice and copies thereof mentioned in Paragraphs 13 and 14 hereof, he shall accompany the notice and each copy thereof with a detailed statement of the maximum hours so approved.

26. Where any request referred to herein is disapproved, the notice of disapproval shall be in writing, shall be directed and transmitted to the Owner, and copies thereof shall be distributed as in the case of an approval.

27. A Resident Engineer Inspector shall not entertain a request which has reference to a contract (a) not executed, or (b) not awarded, or (c) on which no bids have been taken.

28. It is intended by this Order to provide that emergency cases as herein defined shall be passed upon by Resident Engineer Inspectors and that cases not coming within the definition of an emergency as hereinafter set forth shall be passed upon by State Directors. Cases properly determinable as emergency cases should not be treated as special and unusual circumstance cases.

29. The State Engineer Inspector may exercise the powers herein authorized to be exercised by the Resident Engineer Inspector.

30. The Assistant Administrator may exercise the powers herein authorized to be exercised by State Directors, State Engineer Inspectors, and Resident Engineer Inspectors.

Definitions

"ERA": Emergency Relief Appropriation Act of 1935.
 "NEA" or "NIRA": National Industrial Recovery Act, approved June 16, 1933.
 "PWA": Federal Emergency Administration of Public Works.

"State Director": State Director (PWA), his duly authorized representative, or any person designated by the Administrator to perform his duties or functions. The term also includes the officer performing similar functions in Alaska, the Hawaiian Islands, Puerto Rico, and the Virgin Islands.

"Resident Engineer Inspector": The Engineer Inspector (PWA) immediately assigned to the work, or any person designated by the Administrator to perform his duties or functions.

"State Engineer Inspector": State Engineer Inspector (PWA), his duly authorized representative, or any person designated by the Administrator to perform his duties or functions.

"Force Account": Force Account connotes the utilization by the public body of its own employes in the construction of all or a part of a project.

"Owner": The public body, or instrumentality which is to perform the work or for which the work is to be performed.

"Emergency": A temporary unforeseen occurrence or combination of circumstances involving the public welfare or the protection of work already done on the project or which endangers life or property and calls for immediate action or remedy.

31. This Order is issued under authority of Executive Order No. 7064 of June 7, 1935.

Repealer Clause

32. All Orders and parts of Orders in conflict herewith are hereby rescinded. The following Orders are specifically rescinded: FW 28260, dated February 9, 1935; Staff Order No. 2 (PW 33052), dated April 27, 1935, and the memorandum therein quoted; Administrative Order No. 15 (Supplement 2) dated September 9, 1935; and Administrative Order No. 15 (Supplement 3), dated December 5, 1935.

HAROLD L. ICKES, *Administrator.*

[F. R. Doc. 978—Filed, June 24, 1936; 9:51 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2690]

IN THE MATTER OF WORTHALL LIMITED

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that John W. Bennett, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, June 24, 1936, at ten o'clock in the forenoon of that day (eastern standard time), at room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 980—Filed, June 24, 1936; 10:40 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2716]

IN THE MATTER OF NEET, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony.

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, June 24, 1936, at nine o'clock in the forenoon of that day, central standard time, at Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 981—Filed, June 24, 1936; 10:40 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2734]

IN THE MATTER OF H. E. MARTINDALE, AN INDIVIDUAL, TRADING AS FEDERAL INSTITUTE OF MEATS & MARKETING

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Monday, June 29, 1936, at nine o'clock in the forenoon of that day, central standard time, at Room 1123, Federal Trade Commission Offices, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 982—Filed, June 24, 1936; 10:41 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2752]

IN THE MATTER OF M. F. FOLEY COMPANY, A CORPORATION
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that Charles F. Diggs, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 30, 1936, at ten o'clock in the forenoon of that day, eastern standard time, at Courtroom No. 4, Twelfth Floor, Postoffice Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 983—Filed, June 24, 1936; 10:41 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2755]

IN THE MATTER OF BOSTON SPORTSWEAR COMPANY, ET AL.
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, July 8, 1936, at ten o'clock in the forenoon of that day, eastern standard time, in Court Room No. 4, 12th Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 984—Filed, June 24, 1936; 10:41 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2769]

IN THE MATTER OF FASHION ORIGINATORS GUILD OF AMERICA, INC., MICHIGAN AVENUE GUILD OF CHICAGO, MINNEAPOLIS FASHION GUILD, LADIES' READY-TO-WEAR GUILD OF BALTIMORE, NATIONAL FEDERATION OF TEXTILES, INC., THEIR RESPECTIVE OFFICERS, DIRECTORS, AND MEMBERS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that John W. Bennett, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, July 15, 1936, at nine o'clock in the forenoon of that day (eastern standard time), in room 901, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 985—Filed, June 24, 1936; 10:41 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2770]

IN THE MATTER OF THE COOLERATOR COMPANY, A CORPORATION
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, July 1, 1936, at nine o'clock in the forenoon of that day, central standard time, in Room 1123, Federal Trade Commission Offices, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 986—Filed, June 24, 1936; 10:43 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2796]

IN THE MATTER OF LUMBER MILLS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 30, 1936, at nine o'clock in the forenoon of that day, central standard time, at Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 987—Filed, June 24, 1936; 10:43 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2798]

IN THE MATTER OF JOHN H. MEYER, TRADING AS MED-DENTAL
SYSTEMS COMPANYORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, June 22, 1936, at ten o'clock in the forenoon of that day, at the Municipal Court Room, City Hall, Alliance, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 988—Filed, June 24, 1936; 10:43 a. m.]

*United States of America—Before Federal Trade
Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of June A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2821]

IN THE MATTER OF WEST MEMPHIS CIGARETTE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Monday, July 13, 1936, at ten o'clock in the forenoon of that day, central standard time, Federal Court Room, Federal Building, Memphis, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 989—Filed, June 24, 1936; 10:44 a. m.]

WORKS PROGRESS ADMINISTRATION.

[Administrative Order No. 41]

REGULATIONS RELATING TO RATES OF PAY, HOURS OF WORK,
MONTHLY EARNINGS, AND CONDITIONS OF EMPLOYMENT

Pursuant to and by virtue of the authority vested in the Works Progress Administration by Executive Order dated June 22, 1936,¹ I hereby issue the following Administrative Order:

SECTION 1. Definition.—The term "project" as used herein shall mean projects of the Works Progress Administration which are financed in whole or in part by funds appropriated by the Emergency Relief Appropriation Act of 1936.

SECTION 2. Rates of Pay.—It shall be the responsibility of the several State Works Progress Administrators to establish according to occupational titles, hourly wage rates (which shall be not less than the prevailing hourly wage rates) for persons employed on projects, and to make such rates effective for all pay roll periods beginning on or after July 1, 1936. Wage rates so established shall not be applicable to persons employed in supervisory and administrative positions and owner-operators of teams, trucks, and equipment.

SECTION 3. Determining Hourly Wage Rates.—(a) The several State Works Progress Administrators should secure data, as complete as possible, pertaining to hourly wage rates prevailing in the various localities within their states. Data on hourly wage rates may be secured from Federal agencies, state agencies, county agencies, labor groups, trade unions, employers and their organizations, municipal authorities, information published by official and unofficial agencies, records of the Works Progress Administration, and other available sources. Hourly wage rates established for work relief projects of the Federal Emergency Relief Administration conformed in many instances to prevailing wage rates.

(b) The State Administrators shall permit interested parties to present in written form statistical evidence pertaining to prevailing wage rates, and, if feasible, may hold hearings for the purpose of considering such evidence. If hearings are held, a complete stenographic record must be made.

(c) Schedules shall be prepared by counties or other political subdivisions of appropriate hourly wage rates, hours to be worked, and maximum monthly earnings for each occupational title; such schedules shall be made available to all interested parties, including the Area Statistical Offices.

SECTION 4. Hours of work.—The maximum hours of work for project workers (except supervisory and administrative employees) shall be 8 hours per day, 40 hours per week, and 140 hours per month. Exceptions to the regulation on maximum hours contained in chapter XVI, section 1, of the Handbook of Procedures remain in effect. The hours to be worked at the determined hourly rate by any worker shall be sufficient to total the monthly earnings as prescribed but shall not exceed 140 hours per month.

¹ 1 F. R. 651.

SECTION 5. *Monthly Earnings.*—(a) The schedule of monthly earnings established in Executive Order No. 7046, dated May 20, 1935, with adjustments effected by State Administrators and the Federal Works Progress Administration by authority of Administrative Orders as heretofore issued, shall continue in effect and shall be applicable to workers on projects, except supervisory and administrative employees and owner-operators of trucks, teams, and equipment. Payments in excess of the schedule of monthly earnings are permitted only when it becomes necessary to allow workers to make up time in the pay roll month succeeding that in which the time is lost as provided in item (b) of this section.

(b) Payment shall be made only for time actually worked, but workers shall be allowed every reasonable opportunity to make up time lost due to weather conditions or temporary interruptions in the operation of projects in order to earn scheduled monthly earnings at the determined hourly wage rate, provided this can be accomplished in the current or succeeding pay roll month.

SECTION 6. *Conditions of Employment.*—(a) No person under the age of 18 years, and no one whose age or physical condition is such as to make his employment dangerous to his health or safety, or to the health or safety of others may be employed on a work project. This paragraph shall not be construed to operate against the employment of physically handicapped persons otherwise employable, where such persons may be safely assigned to work which they can ably perform. The student aid program of the National Youth Administration is excepted from the age provision of this paragraph.

(b) No person currently serving sentence to a penal or correctional institution shall be employed on any work project.

(c) Preference in employment of workers on projects shall be given to persons certified as in need of relief by a public relief agency approved by the Works Progress Administration, and except with the specific authorization of the Federal Works Progress Administration at least ninety per cent of the workers on a project shall be such persons.

(d) Only one member of a family group may be employed on the Work Program, except as provided in Administrative Order No. 19 applicable to the National Youth Administration.

(e) Except as specifically provided by law and by these regulations, workers who are qualified by training and experience to be assigned to work projects shall not be discriminated against on any grounds whatever, such as race, religion, or political affiliation.

(f) All work projects shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accidents.

(g) Wages to be paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

(h) The State Works Progress Administrators shall not knowingly employ on Works Progress Administration projects aliens illegally within the limits of the Continental United States, and shall make every reasonable effort consistent with prompt employment of the destitute unemployed to see that such aliens are not employed, and that if employed and their status as such alien is disclosed they shall thereupon be discharged.

(i) The fact that a person is entitled to or has received either adjusted-service bonds or a Treasury check in payment of an adjusted-compensation certificate shall not be considered in determining actual need of such employment. Public relief agencies approved by the Works Progress Administration to certify to need shall be informed of this provision by the State Works Progress Administrator.

SECTION 7. *Assignment.*—(a) Classification, assignment, reassignment, reclassification, transfer, and termination of employment shall be the responsibility of the State Works Progress Administration. Adequate records shall be maintained as required by the Federal Works Progress Administration.

(b) All workers are expected to maintain active registration with offices designated by the United States Employment Service.

SECTION 8. *Rules and regulations* of the Works Progress Administration relating to wages, hours of work, and conditions of employment heretofore issued which are not inconsistent with the provisions of this Order remain in full force and effect.

[SEAL] HARRY L. HOPKINS, *Administrator.*

JUNE 22, 1936.

[F. R. Doc. 977—Filed, June 24, 1936; 9:31 a. m.]

Friday, June 26, 1936

No. 75

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48400]

CUSTOMS REGULATIONS AMENDED—BONDS FOR PRODUCTION OF CONSULAR INVOICES

ARTICLE 1256 (A) OF THE CUSTOMS REGULATIONS OF 1931 PROMULGATED IN PURSUANCE OF SECTION 623 OF THE TARIFF ACT OF 1930, AS AMENDED BY T. D'S 47052 AND 47832, FURTHER AMENDED WITH RESPECT TO TREATMENT OF BONDS FOR THE PRODUCTION OF INVOICES

To Collectors of Customs and Others Concerned:

Article 1256 (a) of the Customs Regulations of 1931 is further amended to read as follows:

(a) Collectors of customs, in treating bonds for the production of missing documents as satisfied, will demand and collect a sum of \$10.00 for each missing declaration of the consignee or other document, except shipper's export declarations and consular invoices, not produced within the time prescribed by the regulations, or any lawful extension thereof. A like amount shall be collected for each required consular invoice which is not produced on the date of entry or within six months thereafter, provided the person making entry submits an application under oath for relief from the full penalty of the bond, explaining in detail why the consular invoice cannot be produced, and the collector of customs is satisfied by such application, or otherwise, that the failure to produce the missing invoice is due to causes wholly beyond the control of the person making entry, and is not due to any purpose of the foreign seller or shipper to withhold information required by law, regulation, or special instruction to be shown on the invoice.

This decision will be effective as to entries filed after the date of the publication of the decision in the weekly Treasury Decisions.

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved, June 22, 1936.

JOSEPHINE ROCHE,
Acting Secretary of the Treasury.

[F. R. Doc. 998—Filed, June 25, 1936; 10:47 a. m.]

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

ORDER OF RESTORATION

FLATHEAD RESERVATION, MONTANA

APRIL 21, 1936.

Whereas, by Order of the Department of the Interior of February 28, 1910, as amended April 19, 1910, issued pursuant to authority contained in the Act of Congress approved June 21, 1906 (34 Stat. L., 354), the townsite of Blue Bay, among others, was established within the Flathead Indian Reservation, Montana, and

Whereas, there has never been a demand for town lots in the area reserved for the said townsite, and it has never been surveyed into lots and blocks and offered for sale, and it has

